

S.B. Civil Transfer Petition No.24/2005

Date : 12th December, 2005

HON'BLE MR.JUSTICE SATYA PRAKASH PATHAK

Mr. Arjun Purohit for appellant.
Mr. M.L. Changani for respondent.

Heard.

This is a transfer petition filed by Smt. Anjana alias Anju under Section 24 CPC for transferring the Civil Misc. Case No.39/04(HMA) from the Court of Additional District Judge, Sojat to the Family Court, Jodhpur. In the petition, it has inter alia been stated that the petitioner's marriage took place with non-petitioner on 4.2.1999 at village Siryari and Gauna also took place on 13.4.2000 at Jodhpur. It has further been stated that her husband used to beat her and on account of beating, she was also admitted in the hospital at Jodhpur. Now, she is living with her parents at Jodhpur. It has also been stated in the petition that an application under Section 125 Cr.P.C. is pending in the Family Court, Jodhpur for grant of maintenance and also a complaint under Sections 498A and 406 IPC is pending before the Jodhpur Court. It has further been stated in

the petition that the husband has filed a petition under Section 9 of the Hindu Marriage Act for restitution of conjugal rights in the Court of Additional District Judge, Sojat. It has been prayed that the matter, which is pending in the Court of Additional District Judge, Sojat may be transferred to the Family Court at Jodhpur.

A return has been filed to the transfer petition wherein the contents made in the transfer petition have been denied.

After hearing learned counsel for the parties, it is apparent that two matters are pending in the Courts of Jodhpur and one matter is pending in the Court of Additional District Judge, Sojat. In these circumstances, I am of the opinion that the matter pending in the Court of Additional District Judge, Sojat be transferred to the Family Court, Jodhpur.

In view of the above, the transfer petition is allowed and it is ordered that Civil Misc. Case NO.39/04 (Hemant Vs. Smt. Anjana) pending for disposal in the Court of Additional

District Judge, Sojat stands transferred to the Family Court, Jodhpur for trial and decision.

The petition stands disposed of accordingly. The learned Additional District Judge, Sojat is directed to send the record of the case expeditiously. The parties or their lawyer shall remain present in the Family Court, Jodhpur on 2nd of February, 2006. A copy of this order be sent to the learned Additional District Judge, Sojat forthwith.

(SATYA PRAKASH PATHAK) ,J.